REMARKS

Claims 1-7, 9, 12-14, 17, 18 and 21 remain in the application.

However, the Office Action maintains its rejection of the above claims under either 35 USC 102 (b) or 35 USC 103 (a) in view of the Brennecke Patent '343.

Also, the Office Action asserts that the effective filing of such patent is 3-30-01, due to the filing of a related provisional patent application on that date.

Even with such domestic priority, the Brennecke patent is believed not effective against applicants' above claims under 37 CFR 1.131 and sec. 715 of the MPEP. This is because applicant has submitted a new Declaration under 37 CFR 1.131, attesting to completing the present invention, per such claims, before the asserted filing date of such patent, i.e., before 3-31-01.

At this point, it is noted that the present patent application has an effective filing date of 10-7-02, which is well before the issue date of the Brennecke patent of 6-17-03.

The above averments are believed to meet the tests of 37 CFR 1.131, so as to swear applicants' claims of record, including claim 1, behind the Brennecke patent and to remove it as an effective reference against such claims.

Accordingly, the above rejection of applicants' claims 1-7, 9, 12-14, 17, 18 and 21, per the relevant paragraphs of the above Office Action, are believed met.

In view of the foregoing, the claims of record, are believed distinguished over the applied art and in condition for allowance.

Respectfully submitted,

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